



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:ddj
Docket No: 5965-99
11 January 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1430 SER 852/362 of 9 November 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1430
Ser 852/362
9 Nov 99

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL
RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-00XCB)

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF
[REDACTED]

Ref: (a) BUPERSINST 1430.16D
(b) COMNAVPERSCOM MILLINGTON TN/171447Z FEB 99
(c) COMNAVPERSCOM MILLINGTON TN/241054Z FEB 99

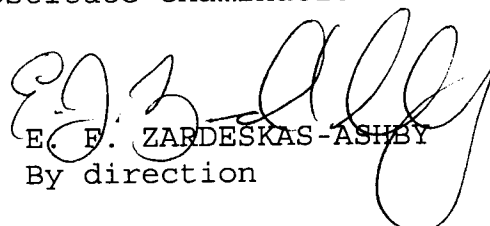
Encl: (1) Docket #05965-99
(2) NETPDTC ltr 1500 Code N3222 dtd 8 Dec 98

1. Based on policy and guidelines established in reference (a), enclosure (1) is returned recommending disapproval.

2. In order to uphold integrity in administering Navywide Advancement Examinations, statistical analysis is conducted on examination results each cycle. When a high exam score discrepancy and identical response pattern is noted on an exam cycle, the individual exam or exams are put on Bureau of Naval Personnel (BUPERS) hold. The command is then notified of the exam discrepancy and is required to do an informal Judge Advocate General (JAG) investigation. Commander, Naval Personnel Command (PERS-852) then reviews the findings of the investigation.

3. [REDACTED] examination results from the September 1998 (Cycle 160) Navywide Advancement Examination were overwhelming. The statistical probability of [REDACTED] and two other Petty Officers having identical correct and incorrect responses is highly unlikely as shown in Enclosure (2).

4. References (b) and (c) directed that MS2 [REDACTED] take the Cycle 160 substitute examination and had MS2 [REDACTED] scored in the 90th percentile or greater, the original Cycle 160 examination would be revalidated and an advancement increment assigned appropriately. [REDACTED] scored in the 84th percentile for the Cycle 160 substitute examination.


E. F. ZARDESKAS-ASHBY
By direction